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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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EXAMINER

TALBOT, MICHAEL

ART UNIT PAPER NUMBER

3722

DATE MAILED: 04/19/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/715,318

Applicant(s)

GROOMES, KIM C.

Examiner

Michael W. Talbot

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 31 January 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-6, 10-15, 18 and 21-23 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-6, 10-15, 18 and 21-23 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 17 November 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1,2,4,5,9-12,14,18 and 22 are rejected under 35 U.S.C. 102(b) as being anticipated by JP 11104909. JP 11104909 shows in Figures 1-4 a drill press assembly comprising a rotating drill chuck having an opening to receive a drill bit (42) and a bottom (35) for supporting the drill bit wherein the opening is elevated above the bottom, a pneumatic drive (Abstract and 40) for rotating the drill chuck, an extendable stand/brace (21,24,26) having a first member (21) and a second member (24,26) being received within the first member for elevating the drill chuck (via foot pressure) between a first height (retracted position) and a second height (extended position) being higher than the first height relative to the ground, and an actuator (operator,15) comprising a lever (15) for creating an upward force to the drill chuck. JP 11104909 shows the drill press assembly including a coupling (Fig. 1) for connecting a line (45) from a compressor to the pneumatic drive (Abstract and 40).

3. Claims 1,4,5,9-11,14,18 and 21-23 are rejected under 35 U.S.C. 102(b) as being anticipated by Belknap '730. Belknap '730 shows in Figures 1-6,16 and 20 a drill press assembly comprising a rotating drill chuck having an opening to receive a drill bit (119) and a bottom (34',39') for supporting the drill bit wherein the opening is elevated above the bottom, a pneumatic drive (col. 8, lines 13-18) for rotating the drill chuck and an extendable stand/brace (53,65,66,67,80 and col. 6, lines 13-29) having a first member (65,66,67,80) and a second member (53) being received within the first member for elevating the drill chuck (via assembly

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piston cylinder assembly 20) between a first height (retracted position) and a second height (extended position) being higher than the first height relative to the ground. Belknap '730 shows the drill press assembly including a coupling (Figs. 16 and 20) for connecting a line (110) from a compressor to the pneumatic drive (col. 8, lines 13-18). Belknap '730 shows the coupling (Fig. 16 and 20) having an exhaust outlet (32) for expelling air from the pneumatic drive (col. 23-39).

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1,2,4-7,9-12,14-16 and 18-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hurt '724 in view of Belknap '730. Hurt '724 shows in Figures 1-3 a drill press assembly (10) comprising a rotating drill chuck having an opening to receive a drill bit and a bottom for supporting the drill bit wherein the opening is elevated above the bottom, an extendable stand/brace (14,26) having a first member (14) and a second member (26) being received within the first member for elevating the drill chuck (col. 4, lines 44-49) between a first height (retracted position) and a second height (extended position) being higher than the first height relative to the ground, and an actuator (16,18,20,21,22,23,24,25,36) comprising a lever (24) for creating an upward force to the drill chuck. Hurt '724 shows the stand/brace having a foot (12) pivotable relative to the stand (col. 4, lines 55-60). Hurt '724 shows a method of drilling comprising supporting the drill bit from a mechanical ground support (stand/brace), orienting a drill bit to drill in an upwards direction with respect to the ground along a drill axis, elevating the drill bit through the mechanical ground support along the drill axis from a lower elevation at a first height to a higher elevation at a second height with respect to the ground and rotating the

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drill bit about the drill axis (col. 4, lines 44-49 and col. 4, line 63 through col. 5, line 7). Hurt '724 lacks specific reference to a pneumatic drive for rotating the drill chuck, a line for connecting a compressor to the pneumatic drive and a coupling member for connecting the line to the pneumatic drive having an exhaust outlet for expelling air.

Belknap '730 shows in Figures 1-6, 16 and 20 a drill press assembly comprising a pneumatic drive (col. 8, lines 13-18) for rotating a drill chuck, the drill press assembly including a coupling (Figs. 16 and 20) for connecting a line (110) from a compressor to the pneumatic drive (col. 8, lines 13-18) and the coupling (Fig. 16 and 20) having an exhaust outlet (32) for expelling air from the pneumatic drive (col. 23-39). In view of this teaching of Belknap '730, it would have been obvious to one of ordinary skill in the art to modify the drill press assembly Hurt '724 to include a pneumatic drive mechanism taught by Belknap '730 as a pneumatic drive mechanism is a recognized equivalent in the art to an electric powered tool as well as the respective components (compressor, line and exhaust ports) associated with a pneumatic drive mechanism for standard operation.

6. Claims 1,2,4-7,9-12,14-16 and 18-20 are rejected under 35 U.S.C. 102(b) as being unpatentable over Bullock '110 in view of Belknap '730. Bullock '110 shows in Figures 1-5 a drill press assembly comprising a rotating drill chuck (12) having an opening to receive a drill bit (13) and a bottom for supporting the drill bit wherein the opening is elevated above the bottom, an extendable stand/brace (31,32,33) having a first member (33) and a second member (32) being received within the first member for elevating the drill chuck (col. 2, lines 41-51) between a first height (retracted position) and a second height (extended position) being higher than the first height relative to the ground, and an actuator (41-54) comprising a lever (54) for creating an upward force to the drill chuck. Bullock '110 shows the stand/brace having a foot (Fig. 5) pivotable relative to the stand (col. 2, line 51 through col. 3, line 10). Bullock '110 shows a

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method of drilling comprising supporting the drill bit from a mechanical ground support (stand/brace), orienting a drill bit to drill in an upwards direction with respect to the ground along a drill axis, elevating the drill bit through the mechanical ground support along the drill axis from a lower elevation at a first height to a higher elevation at a second height with respect to the ground and rotating the drill bit about the drill axis (col. 3, line 38 through col. 3, line 55). Bullock '110 lacks specific reference to a pneumatic drive for rotating the drill chuck, a line for connecting a compressor to the pneumatic drive and a coupling member for connecting the line to the pneumatic drive having an exhaust outlet for expelling air.

Belknap '730 shows in Figures 1-6, 16 and 20 a drill press assembly comprising a pneumatic drive (col. 8, lines 13-18) for rotating a drill chuck, the drill press assembly including a coupling (Figs. 16 and 20) for connecting a line (110) from a compressor to the pneumatic drive (col. 8, lines 13-18) and the coupling (Fig. 16 and 20) having an exhaust outlet (32) for expelling air from the pneumatic drive (col. 23-39). In view of this teaching of Belknap '730, it would have been obvious to one of ordinary skill in the art to modify the drill press assembly Bullock '110 to include a pneumatic drive mechanism taught by Belknap '730 as a pneumatic drive mechanism is a recognized equivalent in the art to an electric powered tool as well as the respective components (compressor, line and exhaust ports) associated with a pneumatic drive mechanism for standard operation.

7. Claims 1,2,4,5,7-12,14 and 16-20 are rejected under 35 U.S.C. 102(b) as being unpatentable over DE 4028972 in view of Belknap '730. DE 4028972 shows in Figures 1-4 a drill press assembly comprising a pneumatic drill (8) having a chuck (18) having an opening to receive a drill bit (25) and a bottom for supporting the drill bit wherein the opening is elevated above the bottom, an extendable stand/brace (2,3) having a first member (2) and a second member (3) being received within the first member for elevating the drill chuck between a first

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height (retracted position) and a second height (extended position) being higher than the first height relative to the ground, and an actuator (5,6) comprising a lever (6) for creating an upward force to the drill chuck. DE 4028972 shows a method of drilling comprising supporting the drill bit from a mechanical ground support (stand/brace), orienting a drill bit to drill in an upwards direction with respect to the ground along a drill axis, elevating the drill bit through the mechanical ground support along the drill axis from a lower elevation at a first height to a higher elevation at a second height with respect to the ground and rotating the drill bit about the drill axis. DE 4028972 lacks specific reference to a pneumatic drive for rotating the drill chuck, a line for connecting a compressor to the pneumatic drive and a coupling member for connecting the line to the pneumatic drive having an exhaust outlet for expelling air.

Belknap '730 shows in Figures 1-6, 16 and 20 a drill press assembly comprising a pneumatic drive (col. 8, lines 13-18) for rotating a drill chuck, the drill press assembly including a coupling (Figs. 16 and 20) for connecting a line (110) from a compressor to the pneumatic drive (col. 8, lines 13-18) and the coupling (Fig. 16 and 20) having an exhaust outlet (32) for expelling air from the pneumatic drive (col. 23-39). In view of this teaching of Belknap '730, it would have been obvious to one of ordinary skill in the art to modify the drill press assembly DE 4028972 to include a pneumatic drive mechanism taught by Belknap '730 as a pneumatic drive mechanism is a recognized equivalent in the art to an electric powered tool as well as the respective components (compressor, line and exhaust ports) associated with a pneumatic drive mechanism for standard operation.

8. Claims 1-5, 7, 9-14, 16 and 18-20 are rejected under 35 U.S.C. 102(b) as being unpatentable over JP 07186136 in view of Belknap '730. JP 07186136 shows in Figure 1 a drill press assembly comprising a rotating drill chuck having an opening to receive a drill bit and a bottom for supporting the drill bit wherein the opening is elevated above the bottom, an

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extendable stand/brace (1,2) having a first member (1) and a second member (2) being received within the first member for elevating the drill chuck (abstract) between a first height (retracted position) and a second height (extended position) being higher than the first height relative to the ground, and an actuator (recesses and projections on 2, gear 3 and handle) comprising a rack (recesses and projections on 2), a pinion (3) and a lever for creating an upward force to the drill chuck. JP 07186136 shows a method of drilling comprising supporting the drill bit from a mechanical ground support (stand/brace), orienting a drill bit to drill in an upwards direction with respect to the ground along a drill axis, elevating the drill bit through the mechanical ground support along the drill axis from a lower elevation at a first height to a higher elevation at a second height with respect to the ground and rotating the drill bit about the drill axis (col. 4, lines 44-49 and col. 4, line 63 through col. 5, line 7). JP 07186136 lacks specific reference to a pneumatic drive for rotating the drill chuck, a line for connecting a compressor to the pneumatic drive and a coupling member for connecting the line to the pneumatic drive having an exhaust outlet for expelling air.

Belknap '730 shows in Figures 1-6,16 and 20 a drill press assembly comprising a pneumatic drive (col. 8, lines 13-18) for rotating a drill chuck, the drill press assembly including a coupling (Figs. 16 and 20) for connecting a line (110) from a compressor to the pneumatic drive (col. 8, lines 13-18) and the coupling (Fig. 16 and 20) having an exhaust outlet (32) for expelling air from the pneumatic drive (col. 23-39). In view of this teaching of Belknap '730, it would have been obvious to one of ordinary skill in the art to modify the drill press assembly JP 07186136 to include a pneumatic drive mechanism taught by Belknap '730 as a pneumatic drive mechanism is a recognized equivalent in the art to an electric powered tool as well as the respective components (compressor, line and exhaust ports) associated with a pneumatic drive mechanism for standard operation.

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9. Claims 1-5,7,9-14,16 and 18-20 are rejected under 35 U.S.C. 102(b) as being unpatentable over Lupear '509 in view of Belknap '730. Lupear '509 shows in Figures 1-4 a drill press assembly comprising a rotating drill chuck having an opening to receive a drill bit and a bottom for supporting the drill bit wherein the opening is elevated above the bottom, an extendable stand/brace (16,26) having a first member (26) and a second member (16) being received within the first member (col. 2, lines 64-65) for elevating the drill chuck between a first height (retracted position) and a second height (extended position) being higher than the first height relative to the ground, and an actuator (32,34,36) comprising a rack (32), a pinion (34) and a lever (36) for creating an upward force to the drill chuck. Lupear '509 shows a method of drilling comprising supporting the drill bit from a mechanical ground support (stand/brace), orienting a drill bit to drill in an upwards direction with respect to the ground along a drill axis, elevating the drill bit through the mechanical ground support along the drill axis from a lower elevation at a first height to a higher elevation at a second height with respect to the ground and rotating the drill bit about the drill axis (col. 4, lines 44-49 and col. 4, line 63 through col. 5, line 7). Lupear '509 lacks specific reference to a pneumatic drive for rotating the drill chuck, a line for connecting a compressor to the pneumatic drive and a coupling member for connecting the line to the pneumatic drive having an exhaust outlet for expelling air.

Belknap '730 shows in Figures 1-6,16 and 20 a drill press assembly comprising a pneumatic drive (col. 8, lines 13-18) for rotating a drill chuck, the drill press assembly including a coupling (Figs. 16 and 20) for connecting a line (110) from a compressor to the pneumatic drive (col. 8, lines 13-18) and the coupling (Fig. 16 and 20) having an exhaust outlet (32) for expelling air from the pneumatic drive (col. 23-39). In view of this teaching of Belknap '730, it would have been obvious to one of ordinary skill in the art to modify the drill press assembly Lupear '509 to include a pneumatic drive mechanism taught by Belknap '730 as a pneumatic drive mechanism

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is a recognized equivalent in the art to an electric powered tool as well as the respective components (compressor, line and exhaust ports) associated with a pneumatic drive mechanism for standard operation.

Response to Arguments

10. Applicant's arguments filed 31 January 2006 have been fully considered but they are not persuasive.

Applicant contends that the cited reference do not disclose a pneumatic drive mechanism and the associated standard assembly components. The examiner respectfully agrees, however it should be noted that a pneumatic drive mechanism, as well as the respective components (compressor, line and exhaust ports) associated for standard operation, is a recognized equivalent in the art to an electric powered tool as demonstrated by the above 35 U.S.C. 102(b) rejections anticipated by JP 11104909 and Belknap '730.

Conclusion

11. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

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12. Any inquiry concerning the content of this communication from the examiner should be directed to Michael W. Talbot, whose telephone number is 571-272-4481. The examiner's office hours are typically 8:30am until 5:00pm, Monday through Friday. The examiner's supervisor, Mr. Boyer D. Ashley, may be reached at 571-272-4502.

In order to reduce pendency and avoid potential delays, group 3720 is encouraging FAXing of responses to Office Actions directly into the Group at FAX number 571-273-8300. This practice may be used for filling papers not requiring a fee. It may also be used for filing papers, which require a fee, by applicants who authorize charges to a USPTO deposit account. Please identify Examiner Michael W. Talbot of Art Unit 3722 at the top of your cover sheet.



MWT
Examiner
10 April 2006



BOYER D. ASHLEY
SUPERVISORY PATENT EXAMINER